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10/564,317

01/12/2006

Hiroyuki Kikkoji

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10/22/2008

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1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

HUYNH, NAM TRUNG

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

10/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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oblonpat@oblon.com  
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|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/564,317 | <b>Applicant(s)</b><br>KIKKOJI ET AL. |  |
|                              | <b>Examiner</b><br>NAM HUYNH         | <b>Art Unit</b><br>2617               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 10-11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 6-8, 10, 11, and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/21/2008.

This application contains claims 6-8, 10-11 and 13 drawn to an invention nonelected without traverse in the reply filed on 8/21/2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 5/11/06 has been considered by the examiner.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnarajah et al. (US 2004/0203655) (hereinafter Sinnarajah) in view of Vanska et al. (US 7,047,041) (hereinafter Vanska).

. Regarding claim 1, Sinnarajah teaches a communication apparatus for receiving related information about contents, comprising:

transmission means (figure 4, item 404) for transmitting information to an external device (figure 1, item 102) that provides related information about contents included in broadcast information being received, in order to request user registration (paragraphs 87, 96, 98);

storing means for storing said information in a storage medium (paragraph 98);

transmission means for transmitting related information request information that requests said related information about contents (listing of available programs) (paragraphs 82, 87); and

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notification means for notifying information concerning a service providing said related information about contents being offered by said external device (paragraphs 98, 100).

Sinnarajah teaches that the subscriber station may verify enrollment of the user for a requested broadcast program before sending a start service message and that the base station may verify enrollment of the user, but does not explicitly teach that the transmission means transmits **user personal** information; the storing means stores **user personal information** in the storage medium; detection means, when in making an access request to said external device, for detecting whether or not said user personal information has been stored in said storage medium; and that the notification means notifies information concerning a service, **in accordance with the detection result by said detection means**. Vanska discloses a method and device for storing and accessing personal information. Vanska teaches the transmission and storage of user personal information (figures 2, 3, and 4B); detection means, when in making an access request to said external device (transmitting a service request), for detecting whether or not said user personal information has been stored in said storage medium (determination of whether data contained in a context card and any other cards/data is suitable for the offered service); and that the notification means notifies information concerning a service, in accordance with the detection result by said detection means (service provider transmits the service to the mobile terminal) (column 11, lines 15-47). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscriber station of Sinnarajah, to include storing and transmission of user personal information in an access request based on a determination of whether that information is stored or not (whether a card is present), and to allow the listing of available programs to be sent to the mobile terminal in accordance with the

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determination, as taught by Vanska, in order to facilitate the registration of the user in receiving the broadcast service by automatically transmitting the user personal information when the access request is transmitted. This modification prevents the user from having to manually enter the information or selecting what information to transmit when a service is desired.

Regarding claim 2, Sinnarajah teaches said transmission means transmits available/unavailable request information that requests information showing whether or not said external device offers a service providing said related information about contents, in accordance with said detection result by the detection means (paragraphs 82, 87, and 91); and

said notification means receives information showing whether or not said external device offers said service that was replied to said available/unavailable request information, and notifies whether or not said external device offers the service providing said related information about contents, based on the above information (paragraph 92).

Regarding claim 3, Sinnarajah teaches including display means for displaying advertisement information to promote said user registration in accordance with a reply to said transmitted available/unavailable request information (paragraph 83).

Regarding claim 4, Sinnarajah teaches a URL showing said advertisement information to promote user registration is included in a reply to said transmitted available/unavailable request information (figure 9).

Regarding claim 5, Sinnarajah teaches said user personal information includes at least name information corresponding to the name of said communication apparatus (paragraph 48).

Regarding claims 9 and 12, the limitations are rejected as applied to claim 1.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

NTH  
10/16/08